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*Washington, Thursday, June 13, 1940*

## *The President*

### DEFINITION OF A COMBAT AREA BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

WHEREAS section 3 of the joint resolution of Congress approved November 4, 1939, provides as follows:

"(a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), and he shall thereafter find that the protection of citizens of the United States so requires, he shall, by proclamation, define combat areas, and thereafter it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel to proceed into or through any such combat area. The combat areas so defined may be made to apply to surface vessels or aircraft, or both.

"(b) In case of the violation of any of the provisions of this section by any American vessel, or any owner or officer thereof, such vessel, owner, or officer shall be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the owner of such vessel be a corporation, organization, or association, each officer or director participating in the violation shall be liable to the penalty hereinabove prescribed. In case of the violation of this section by any citizen traveling as a passenger, such passenger may be fined not more than \$10,000 or imprisoned for not more than two years, or both.

"(c) The President may from time to time modify or extend any proclamation issued under the authority of this section, and when the conditions which shall have caused him to issue any such proclamation shall have ceased to exist he shall revoke such proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation."

AND WHEREAS it is further provided by section 13 of the said joint resolution that

"The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct."

AND WHEREAS on April 10, 1940,<sup>1</sup> I issued a proclamation in accordance with the provision of law quoted above defining a combat area.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by section 3 of the joint resolution of Congress approved November 4, 1939, do hereby find that the protection of citizens of the United States requires that there be defined combat areas in addition to the combat area defined in my proclamation of April 10, 1940, through or into which additional combat areas it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel, whether a surface vessel or an aircraft, to proceed.

AND I do hereby define the additional combat areas as follows:

All the navigable waters within the limits set forth hereafter:

1. Beginning at the intersection of the West Coast of Morocco with the parallel of 33°10' north latitude;

Thence due west to 20° west longitude;  
Thence due north to 37°05' north latitude;

Thence due east to the mainland of Portugal;

Thence along the coastline of Portugal, Spain, Gibraltar, Spain, France, Italy, Yugoslavia, Albania, and Greece to

<sup>1</sup> 5 F.R. 1599.

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the intersection of the East Coast of Greece with the parallel of 39°40' north latitude;

Thence due east to the mainland of Turkey;

Thence along the coastline of Turkey, Syria, Palestine, Egypt, Libya, Tunisia, Algeria, and Morocco to the point of beginning.

All the navigable waters within the limits set forth hereafter:

2. Beginning at the intersection of the North Coast of Italian Somaliland with the meridian of 50° longitude east of Greenwich;

Thence due north to the mainland of Arabia;

Thence eastward along the coast of Arabia to the meridian of 51° east longitude;

Thence due south to the mainland of Italian Somaliland;

Thence westward along the coast of Italian Somaliland to the point of beginning.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

AND I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of June, in the year of our Lord nineteen hundred and [SEAL] forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

June 11, 1940, 5:20 p. m. E. S. T.

By the President:

CORDELL HULL,  
Secretary of State.

[No. 2410]

[F. R. Doc. 40-2375; Filed, June 12, 1940; 11:37 a. m.]

### EXECUTIVE ORDER

TRANSFERRING THE CONTROL AND JURISDICTION OVER A CERTAIN TRACT OF LAND TO THE FEDERAL WORKS AGENCY FOR USE OF THE BUREAU OF CUSTOMS, TREASURY DEPARTMENT

#### TEXAS

WHEREAS the hereinafter-described tract of land, acquired by the United States under the Convention of February 1, 1933, between the United States and Mexico, is now under the control and jurisdiction of the Secretary of State; and

WHEREAS it appears that it would be in the public interest to transfer such tract of land to the control and jurisdiction of the Federal Works Agency for use of the Bureau of Customs, Treasury Department:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered that the control and jurisdiction over the following-described tract of land be, and they are hereby, transferred to the Federal Works Agency for the use of the Bureau of Customs, Treasury Department:

All of Tract 1 of Parcel No. 173, lying in or adjoining El Paso County, Texas, of area ceded to the United States by Mexico under the Convention of 1933, and more particularly described (all bearings being in relation to a true meridian passing through Triangulation Station Number Twenty-one (21) of the surveys of the International Boundary Commission) as follows:

The boundary line of Parcel No. 173 is the old International Boundary Line and the parcel posts are the original pipes or posts which served as monuments on the old International Boundary Line;

Beginning at the concrete monument set for Reference Point 173-A on the boundary line of Parcel No. 173 where said boundary line intersects the northerly line of the tract reserved by the United States for right of way for the Rio Grande Rectification Project, the Border Drain, and the Guadalupe Lateral;

Thence along the boundary line of Parcel No. 173 in the following courses and distances:

North 19°17' West, one hundred six and three tenths (106.3) feet to Post 3, which is Monument 18-G on the old International Boundary Line;

North 23°27' East, one hundred sixty-four and nine tenths (164.9) feet to Post 4, which is Monument 18-H on the old International Boundary Line;

North 89°35' East, one hundred seventy-three and one tenth (173.1) feet to the iron pipe set for Post 4-A on the westerly right of way line of the Tornillo-Guadalupe Road;

Thence along said westerly right of way line, southerly, along a curve to the right of radius five hundred fifty-three and no tenths (553.0) feet, a distance of two hundred thirty-eight and one tenth (238.1) feet (said curve being subtended by the chord bearing South 18°19' West, two hundred thirty-six and three tenths (236.3) feet) to the iron pipe at the end of said curve;

Thence continuing along said westerly right of way line South 30°39' West, ninety and eight tenths (90.8) feet to an iron pipe on the northerly line of the tract reserved by the United States;

Thence along said northerly line North 59°20'32" West, ninety-six and six tenths (96.6) feet to the place of beginning and containing one and nine hundredths (1.09) acres more or less.



The transfer effected by this order is subject to the condition that the Federal Works Agency and the Bureau of Customs shall permit the proper agencies of the United States to construct, operate, and maintain whatever ditches or canals may be needed in connection with the Rio Grande Federal Irrigation Project of the Department of the Interior across the said tract of land; and in the event that such land shall cease to be used by the Federal Works Agency and the Bureau of Customs, the control and jurisdiction over it shall, upon formal notification thereof to the Department of State by the said Agency and Bureau, revert to the Department of State.

FRANKLIN D ROOSEVELT  
THE WHITE HOUSE,  
June 10, 1940.  
[No. 8434]

[F. R. Doc. 40-2362; Filed, June 11, 1940;  
2:07 p. m.]

#### EXECUTIVE ORDER

MODIFYING EXECUTIVE ORDER OF NOVEMBER  
21, 1916, CREATING POWER SITE RESERVE  
No. 565

SNAKE RIVER, IDAHO

Modification No. 411

By virtue of the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered that the Executive Order of November 21, 1916, creating Power Site Reserve No. 565, as affected by Order of Interpretation No. 13, approved April 22, 1922, be, and it is hereby, modified to the extent necessary to permit the State of Idaho to construct a highway over lots 8, 9, 12, and 13, sec. 34, T. 9 S., R. 17 E., Boise meridian, Idaho, as shown on the map on file in the General Land Office, Department of the Interior, bearing the title

"STATE OF IDAHO  
DEPARTMENT OF PUBLIC WORKS  
BUREAU OF HIGHWAYS  
MAP SHOWING  
RIGHT OF WAY THROUGH  
POWER SITE RESERVE—No. 565  
S. A. P. 28-C  
SAWTOOTH PARK HIGHWAY  
JEROME COUNTY  
Scale 1"=200' March 30, 1938  
Boise, Idaho."

on condition that use of the highway shall be discontinued without liability or expense to the United States or its licensees when found by the Secretary of the Interior to be in conflict with project works authorized by the United States.

FRANKLIN D ROOSEVELT  
THE WHITE HOUSE,  
June 10, 1940.  
[No. 8435]

[F. R. Doc. 40-2363; Filed, June 11, 1940;  
2:07 p. m.]

#### EXECUTIVE ORDER

AUTHORIZING THE APPOINTMENT OF BAIRD  
SNYDER, III, TO THE POSITION OF DEPUTY  
ADMINISTRATOR IN THE WAGE AND HOUR  
DIVISION, DEPARTMENT OF LABOR, WITH-  
OUT REGARD TO THE REQUIREMENTS OF  
THE CIVIL SERVICE RULES

By virtue of the authority vested in me by the provisions of paragraph Eighth, subdivision SECOND, section 2 of the Civil Service Act (22 Stat. 404), it is hereby ordered that Baird Snyder, III, may be appointed to the position of Deputy Administrator in the Wage and Hour Division, Department of Labor, without compliance with the requirements of the Civil Service Rules: *Provided*, that such appointment shall not confer a competitive classified civil-service status upon the appointee.

FRANKLIN D ROOSEVELT  
THE WHITE HOUSE,  
June 11, 1940.  
[No. 8436]

[F. R. Doc. 40-2365; Filed, June 12, 1940;  
10:10 a. m.]

#### Rules, Regulations, Orders

#### TITLE 22—FOREIGN RELATIONS CHAPTER I—DEPARTMENT OF STATE

#### PART 12—COMMERCE WITH STATES EN- GAGED IN ARMED CONFLICT

§ 12.1 *Exportation or transportation of articles or materials—(h) Italy.* The regulations under section 2 (c) and (i) of the joint resolution of Congress approved November 4, 1939, which the Secretary of State promulgated on November 10 (22 CFR 12.1 (a)-(d))<sup>1</sup> and November 25 (22 CFR 12.1 (e))<sup>2</sup> 1939, henceforth apply equally in respect to the export or transport of articles and materials to Italy. (Secs. 2 (c), (i), Public Res. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. No. 2407, June 10, 1940)

CORDELL HULL,  
Secretary of State.

JUNE 10, 1940.

[F. R. Doc. 40-2378; Filed, June 12, 1940;  
11:37 a. m.]

#### PART 40—SOLICITATION AND COLLECTION OF CONTRIBUTIONS FOR USE IN CERTAIN COUNTRIES

§ 40.19 *Contributions for use in Italy.* The rules and regulations (22 CFR

<sup>1</sup> Regulations (1)-(4) in "Regulations under section 2 (c) and (i) of the joint resolution of Congress approved November 4, 1939," which were published in the FEDERAL REGISTER of November 16, 1939 (4 F.R. 4598), have been designated as 22 CFR 12.1 (a)-(d).

<sup>2</sup> Regulation (5) (4 F.R. 4701) has been designated as 22 CFR 12.1 (e).

40.1-16) under section 8 of the joint resolution of Congress approved November 4, 1939, which the Secretary of State promulgated on November 6, 1939,<sup>3</sup> henceforth apply equally to the solicitation and collection of contributions for use in Italy. (Sec. 8, Public Res. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. No. 2407, June 10, 1940)

CORDELL HULL,  
Secretary of State.

JUNE 10, 1940.

[F. R. Doc. 40-2376; Filed, June 12, 1940;  
11:37 a. m.]

#### PART 55C—TRAVEL

Pursuant to the provisions of section 5 of the joint resolution of Congress, approved November 4, 1939, and of the President's proclamation of April 10, 1940, the regulations in 22 CFR 55C.1 and 55C.2 of November 6, 1939,<sup>4</sup> as amended November 17, 1939,<sup>5</sup> April 25, 1940,<sup>6</sup> and May 11, 1940,<sup>7</sup> are hereby amended to read as follows:

§ 55C.1 *American diplomatic, consular, military, and naval officers.* American diplomatic and consular officers and their families, members of their staffs and their families, and American military and naval officers and personnel and their families may travel pursuant to orders on vessels of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, the Union of South Africa; Norway; Belgium; the Netherlands; and Italy, if the public service requires. (Sec. 5, Public Res. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. No. 2407, June 10, 1940)

§ 55C.2 *Other American citizens.* Other American citizens may travel on vessels of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, the Union of South Africa; Norway; Belgium; the Netherlands; and Italy: *Provided, however*, That travel on or over the north Atlantic Ocean, north of 35 degrees north latitude and east of 66 degrees west longitude or on or over other waters adjacent to Europe or over the continent of Europe or adjacent islands shall not be permitted except when specifically authorized by the Passport Division of the Department of State or an American diplomatic or consular officer abroad in each case. (Sec. 5, Public Res. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. No. 2407, June 10, 1940)

CORDELL HULL,  
Secretary of State.

JUNE 10, 1940.

[F. R. Doc. 40-2377; Filed, June 12, 1940;  
11:37 a. m.]

<sup>1</sup> 4 F.R. 4510.

<sup>2</sup> 4 F.R. 4509.

<sup>3</sup> 4 F.R. 4640.

<sup>4</sup> 5 F.R. 1597.

<sup>5</sup> 5 F.R. 1695.



## PART 55C—TRAVEL

§ 55C.6 Application of §§ 55C.3 (a) and 55C.4 (a)-(c) to combat areas defined in President's proclamation of June 11, 1940. The regulations under section 3 of the joint resolution of Congress approved November 4, 1939, which the Secretary of State promulgated on November 6<sup>1</sup> and November 17,<sup>2</sup> 1939, henceforth apply equally in respect to travel into or through the additional combat areas defined in the President's proclamation of June 11, 1940: *Provided however*, That the exceptions authorized by § 55C.4 (a)<sup>1</sup> shall apply only to American vessels which, on the date of the issuance of the regulations in this section, are within one of these additional combat areas, or in the Aegean Sea north of 39°40' north latitude, the Black Sea, or waters connecting the two, or in the Red Sea or the Gulf of Aden west of 50° east longitude, and shall permit such vessels to proceed through those areas and waters only in accordance with directions issued to their operators by the United States Maritime Commission. (Sec. 3, Public Res. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. No. 2410, June 11, 1940)

CORDELL HULL,  
Secretary of State.

JUNE 11, 1940.

[F. R. Doc. 40-2385; Filed, June 12, 1940;  
12:29 p. m.]

## TITLE 24—HOUSING CREDIT

## CHAPTER I—FEDERAL HOME LOAN BANK BOARD

## PART 3—MEMBERS OF BANKS

## RESOLUTION CONCERNING FORMS OF ANNUAL REPORTS OF AFFAIRS TO BE FURNISHED BY SAVINGS BANK AND INSURANCE COMPANY MEMBERS

*Resolved*, That the form of annual report required by legally constituted State Supervisory Authority of the State of domicile of any Savings Bank which is a member of the Federal Home Loan Bank System, is hereby prescribed as the form of annual report required by § 3.4 of the Rules and Regulations for the Federal Home Loan Bank System.

*Further resolved*, That the submission of a copy of such report, similarly executed and sworn to as required in the case of the report submitted to such State Supervisory Authority, shall be acceptable under the provisions of § 3.4 of the Rules and Regulations for the Federal Home Loan Bank System.

<sup>1</sup> These regulations, which appeared as paragraphs (1)-(4) in "Regulations under section 3 of the joint resolution of Congress approved November 4, 1939" (4 F.R. 4510), have been codified under Title 22 as follows: Paragraph (1) has been designated as § 55C.3 (a) and paragraphs (2)-(4) have been designated as § 55C.4 (a)-(c), respectively.

<sup>2</sup> § 55C.3 (b)-(f) (1)-(4). (4 F.R. 4641)

*Further resolved*, That such supplemental data as may be required by the Banks and/or the Board in order to determine Savings Bank and Insurance Company members' compliance with the Federal Home Loan Bank Act and the Rules and Regulations for the Federal Home Loan Bank System shall be furnished the members' Bank and shall be deemed a part of the forms prescribed herein and in Board resolution dated October 5, 1937, relative to Insurance Company members.

(Effective date May 13, 1940)

(Sec. 17 of F.H.L.B.A., 47 Stat. 736; 12 U.S.C. 1437)

Adopted by the Federal Home Loan Bank Board on May 13, 1940.

[SEAL] J. FRANCIS MOORE,  
Secretary.

[F. R. Doc. 40-2371; Filed, June 12, 1940;  
11:04 a. m.]

## TITLE 26—INTERNAL REVENUE

## CHAPTER I—BUREAU OF INTERNAL REVENUE

[Treasury Order No. 30]

## BASIC PERMIT AND TRADE PRACTICE DIVISION

JUNE 12, 1940.

SECTION 1. By virtue of and pursuant to the authority conferred upon me by sections 2 and 8 of Reorganization Plan No. III (House Document No. 681, 76th Congress) prepared in accordance with the provisions of the Reorganization Act of 1939, and transmitted to the Congress by the President on April 2, 1940, by the Joint Resolution of June 4, 1940 (Pub. Res. No. 75, 76th Cong.), by section 3170 of the Internal Revenue Code, and by section 161 of the Revised Statutes (U.S.C., title 5, sec. 22), subpart A of Part 171 (Miscellaneous Regulations Related to Liquor) of title 26 of the Code of Federal Regulations is hereby amended by adding the following new sections at the end thereof to read as follows:

§ 171.1a *Basic permit and trade practice division created*. There is hereby established in the Alcohol Tax Unit in the Bureau of Internal Revenue a division to be known as the Basic Permit and Trade Practice Division, at the head of which shall be an Assistant Deputy Commissioner who shall be appointed by the Secretary of the Treasury under the provision of section 2 (c) of the Federal Alcohol Administration Act (49 Stat. 977), and shall perform his duties under the immediate direction and supervision of the Deputy Commissioner of Internal Revenue in charge of the Alcohol Tax Unit, and under the general direction and supervision of the Commissioner of Internal Revenue and the Secretary of the Treasury.

§ 171.1b *Transfer of Federal Alcohol Administration personnel and property*. Except as provided in Treasury Department Order No. 31 of June 12, 1940 [uncodified], relating to the transfer of certain legal personnel and property, there are hereby transferred to the Basic Permit and Trade Practice Division of the Alcohol Tax Unit all of the personnel, records, books, furniture, and supplies of the Federal Alcohol Administration and of the office of the Administrator thereof (other than the Administrator), which Administration and office were abolished by section 2 of Reorganization Plan No. III: *Provided, however*, That such transfer shall be in accordance with the provisions of section 10 (b) of the Reorganization Act of 1939 (53 Stat. 563), and shall be subject to the provisions of section 8 of Reorganization Plan No. III.

SEC. 2. By virtue of and pursuant to the authority set out in section 1 of this Order, Part 171 of title 26 of the Code of Federal Regulations is hereby further amended by inserting between subpart B and subpart C thereof a new subpart B (A) to read as follows:

## SUBPART B (A)—ADDITIONAL DUTIES OF ALCOHOL TAX UNIT

§ 171.4a *Delegation of Federal Alcohol Administration functions*. Except as provided in § 171.1a, relating to the appointment of an Assistant Deputy Commissioner, and except as provided in Treasury Department Order No. 31 of June 12, 1940 [uncodified], relating to certain legal and personnel functions, all functions of the Federal Alcohol Administration, and the office of the Administrator and the offices of the members thereof, are hereby delegated to the Deputy Commissioner of the Bureau of Internal Revenue in charge of the Alcohol Tax Unit, to be exercised by him under the direction and supervision of the Commissioner of Internal Revenue and the Secretary of the Treasury through the Basic Permit and Trade Practice Division, and the officers and employees thereof: *Provided, however*, That with the approval of the Commissioner of Internal Revenue and the Secretary of the Treasury, said Deputy Commissioner may exercise any of such functions through any other division of the Alcohol Tax Unit, and the officers and employees thereof.

§ 171.4b *Prior regulations adopted*. Except as herein, or as may be hereafter, otherwise provided, all regulations prescribed, all orders and instructions issued, and all forms adopted for the enforcement of the laws heretofore administered by the Administrator of the Federal Alcohol Administration, the Federal Alcohol Administration, and the officers and employees thereof, will continue in effect as regulations, orders, instructions, and forms of the Alcohol Tax Unit of the Bureau of Internal Revenue.



The term "administrator" wherever used in such regulations, orders, instructions, and forms, shall be held to mean "Deputy Commissioner of Internal Revenue."

SEC. 3. This Order shall take effect on the date that section 2 of Reorganization Plan No. III becomes effective.

[SEAL] H. MORGENTHAU, Jr.,  
Secretary of the Treasury.

[F. R. Doc. 40-2379; Filed, June 12, 1940; 11:39 a. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### CHAPTER I—VETERANS' ADMINISTRATION

#### PERMANENT TOTAL DISABILITY RATINGS UNDER THE WORLD WAR VETERANS' ACT, 1924, AS AMENDED, AND THE SCHEDULE OF DISABILITY RATINGS, 1925, AS REINSTATED BY SECTION 28, PUBLIC NO. 141, 73D CONGRESS

§ 2.1165 Disability from an injury or disease will be rated as permanent total under the following conditions:

(a) *Statutory.* When a statutory permanent total disability is authorized by reason of "Loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden". The organic loss of speech will mean the loss of the ability to express oneself, both by voice and whisper, because of organic changes in the organs involved. (June 8, 1940) [43 Stat. 618; 38 U.S.C. 473]

#### TOTAL PERMANENT DISABILITY BENEFITS

§ 10.3122 *Disabilities deemed to be total and permanent.* Without prejudice to any other cause of disability, the permanent loss of the use of both feet, or both hands, or both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden, shall be deemed to be total and permanent disability under United States Government life insurance; and monthly instalments of insurance for any of these specifically enumerated cases of total and permanent disability shall accrue from the date of such total and permanent disability, and any premiums paid after the date of such total and permanent disability shall be refunded without interest. Organic loss of speech will mean the loss of the ability to express oneself, both by voice and whisper, be-

cause of organic changes in the organs involved. (The provisions of this regulation shall not be applicable to contracts of United States Government life insurance originally issued subsequent to December 15, 1936.) (June 8, 1940) [50 Stat. 661; 38 U. S. C. 512c]

[SEAL] FRANK T. HINES,  
Administrator.

[F. R. Doc. 40-2372; Filed, June 12, 1940; 11:17 a. m.]

#### ACCRUED AMOUNTS DUE AND UNPAID AT DEATH

§ 5.2660 *Accrued pension: Act of March 2, 1895.* Pension accrued under the laws relating to service prior to April 21, 1898, Special Acts, and laws reenacted by Section 30, Title III, Public No. 141, 73d Congress (Act of March 28, 1934), Public No. 269, 74th Congress (Act of August 13, 1935), and Public No. 541, 75th Congress (Act of May 24, 1938) shall be paid as provided in the Act of March 2, 1895 (28 Stat. 964). (December 15, 1938)

(a) *Accrued pension payable to widow or children.* Pension which has accrued to the date of death of any pensioner, or of any person entitled to a pension having an application therefor pending, and whether an award therefor shall issue prior or subsequent to the death of such person, shall, in the case of a person pensioned, or applying for pension, on account of his disabilities or service, be paid first, to his widow; second, if there is no widow, to his child or children under the age of sixteen years at his death; third, in the case of a widow, including remarried widow, to her minor children by the veteran under the age of sixteen years at her death. (9 P. D. 276, Sol. 12-26-34. Adjudication of Claims for Benefits Due and Unpaid at Death, Act of March 2, 1895)

(b) *Reimbursement of Expense of Illness and Burial.* If no widow or child survive the veteran, or if no child survive the widow or remarried widow of the veteran, and in the case of a dependent mother, father, sister, or brother or a deceased child under sixteen or a deceased helpless child, no payment whatsoever of their accrued pension shall be made or allowed except so much as may be necessary to reimburse the person who bore the expense of their last sickness and burial, if they did not leave sufficient assets to meet such expense. (Act of March 2, 1895, 21 P. D. 110.) (June 15, 1940.) [28 Stat. 964; 43 Stat. 608; 38 U.S.C. 96, 426]

[SEAL] FRANK T. HINES,  
Administrator.

[F. R. Doc. 40-2373; Filed, June 12, 1940; 11:17 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### CHAPTER I—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-13]

#### MOTOR CARRIER SAFETY REGULATIONS, REVISED

IN THE MATTER OF REGULATIONS GOVERNING THE TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES BY MOTOR VEHICLE

[No. 3666]

Decided June 10, 1940

On further consideration prior report and order, M.C.C. (decided April 1, 1940) modified (1) to make certain corrections in, and additions to, the regulations prescribed; (2) to extend somewhat the application of such regulations as modified, and (3) to continue the present regulations in effect on and after June 15, 1940, insofar as they relate to shippers.

Appearances as shown in the prior report.

*Report of the Commission on Further Consideration*

*By the Commission:*

In the prior report and order in these proceedings, M.C.C. (decided April 1, 1940), we prescribed certain regulations entitled "Motor Carrier Safety Regulations, Revised, Part 7, Transportation of Explosives and other Dangerous Articles," to be effective June 15, 1940, governing the transportation of such commodities by common and contract carriers by motor vehicle in interstate or foreign commerce, and at the same time vacated orders of November 6, 1934, March 12, 1936, August 27, 1936, October 19, 1936, and December 14, 1936, in No. 3666, promulgating and prescribing certain prior regulations entitled "Regulations for the Transportation of Explosives and Other Dangerous Articles on Public Highways by Motor Truck or Other Vehicle."

Consistently with the order of investigation in Ex Parte No. MC-13, the regulations so prescribed as to common carriers by motor vehicle were made applicable only to the "operations and equipment" of such carriers rather than to the "transportation" by them of explosives or other dangerous articles. Of the contrasting terms "transportation" appears to be somewhat more comprehensive and it now seems desirable that the application of the new regulations, effective June 15, 1940, be extended to cover "transportation" by common carriers by motor vehicle of explosives or other dangerous articles rather than merely the "operations and equipment" of such carriers so engaged. The change is more theoretical than actual and, despite the limited form of the order of



investigation, is amply justified by scope of the proceedings as actually conducted which covered all phases of transportation except regulations addressed directly against shippers rather than carriers. Regulations of shippers are now the subject of a further investigation in No. 3666. Until this investigation is terminated it also appears desirable that the present regulations, vacated effective June 15, 1940, by our order of April 1, 1940, insofar as they apply to shippers be continued in effect.

Certain errors or omissions in the regulations effective June 15, 1940, requiring correction, also have been brought to our attention.

Accordingly, the proceeding is hereby reopened on our own motion for further consideration on the record as made and such further consideration having been had we find that our order of April 1, 1940, in these proceedings, should be and it is hereby, modified and amended so as to extend the application of the regulations thereby prescribed to be effective June 15, 1940, as herein modified, to cover the "transportation" of explosives or other dangerous articles by common carrier by motor vehicle as well as the "operations and equipment" of such carriers so engaged.

We further find that our order of April 1, 1940 insofar as it vacated effective June 15, 1940, the orders of November 6, 1934, March 12, 1936, August 27, 1936, October 19, 1936, and December 14, 1936, in No. 3666 should be, and it is hereby, modified and amended so as to continue in full force and effect on and after June 15, 1940, until further order of this Commission, the regulations promulgated and prescribed by such orders, entitled "Regulations for the Transportation of Explosives and Other Dangerous Articles on Public Highways by Motor Truck or Other Vehicle" but only, however, to the extent that such regulations apply to shippers of explosives or other dangerous articles.

And we further find that the prior report and order should be and they are hereby, corrected or supplemented by substituting the rules, regulations, or tabulations hereinafter set forth for those of corresponding numbers in the prior report. For clarity the rules and regulations are restated in their entirety with the amended or supplemented portions italicized, except that only the corrected portions of prior tabulations are reproduced.

§ 7.5072 *Frangible containers.* In general, individual carboys and other frangible containers of acids or other corrosive liquids, including charged electric storage batteries, shall, when loaded by hand, be individually loaded into and unloaded from any motor vehicle in which they are to be, or have been transported. All reasonable precautions shall be taken to

prevent, by all practicable means, the dropping of any such containers or batteries containing corrosive liquids. No such container or battery shall be loaded into a motor vehicle having an uneven floor surface, nor shall any carboy or other *frangible* container of corrosive liquid be loaded elsewhere than on the floor within the body of the motor vehicle. Means shall be provided to prevent by all practicable means, in all cases,

the shifting of containers or batteries during transit. Nothing contained in this rule shall be so construed as to prevent the use of cleats or other retaining means for the purpose of preventing shifting of containers or batteries. *For the purposes of this rule a false floor or platform, secured against relative motion within the body of the motor vehicle, shall be deemed to be a floor.*

Table 7.1-3, items:

174 "Pyroxylin plastics" (I. S.) also the following: "Box toe board" (I. S.).	<i>Exempt for freight. Exempt for express if not over one pound in outside package and totally exempt if a manufactured article made from or containing pyroxylin plastics.</i>	Fiber boxes or drums. Wooden boxes. Fiber tubes (No I. C. C. specification marking). For express shipments only.	Yellow label (for express shipments only).
245 "Chlorine" (Liquefied).	Do.	Cylinders. Tanks, subject to Note 3. Type B Cargo Tanks. <sup>3</sup>	Green gas label.
248 "Dichlorodifluoromethane" (liquefied or non-liquefied).	Do.	Cylinders. Tanks, subject to Note 4. Type B Cargo Tanks. <sup>4</sup>	Green gas label.
268 "Sulphur dioxide" (liquefied).	Do.	Cylinders. Tanks, subject to Note 4. Type B Cargo Tanks. <sup>5</sup>	Green gas label.

<sup>3</sup> The term "tanks" as here used means the commonly known "one-ton container" and no transportation therein is authorized except to or from rail cars and then only in connection with tank-car shipments by rail to be handled in conformity with Paragraph 431 (b) of current regulations governing rail freight shipments.

<sup>4</sup> The term "tanks" as here used means the commonly known "one ton container" and transportation therein is authorized only when such tanks are securely checked or clamped to the vehicle to prevent shifting and when adequate facilities are present for handling of such tanks where transfer in transit is necessary.

<sup>5</sup> See Specification 7.5-S-1.3.

#### Specification 7.3-S-1.2, Item:

7.3-S-1.203 *Thickness of sheets.* The minimum thicknesses of tank sheets shall be as follows:

Aggregate capacity U. S. gallons	Minimum thickness, inches and U. S. gage numbers					
	Shell		Head			
			Flat without reinforcement		Dished, corrugated or reinforced	
	U. S. gage No.	Inches <sup>1</sup>	U. S. gage No.	Inches <sup>1</sup>	U. S. gage No.	Inches <sup>1</sup>
600 or less.....	14	0.078	12	0.109	14	0.078
Over 600 to 1,200.....	12	0.109	10	0.141	12	0.109
Over 1,200:						
Divided into compartments of 600 gallons each or less.....	12	0.109	10	0.141	10	0.141
Divided into compartments larger than 600 gallons each, or not divided.....	10	0.141	8	0.172	8	0.172

<sup>1</sup> Approximate.

#### Specification 7.5-S-1.2, Item:

7.5-S-1.2022 (d) for the transportation of hydrofluoric acid of *sixty percent* (60%) or higher concentration, they be passified in the following or an equally effective method: by filling the tank to not less than ninety percent (90%) of its capacity with hydrofluoric acid of fifty-eight percent (58%) strength and allow-

ing it to stand at least forty-eight (48) hours at a temperature of eighty degrees Fahrenheit (80° F.), then seven (7) hours at one hundred forty degrees Fahrenheit (140° F.), the internal pressure being maintained at atmospheric pressure the meanwhile.

Certain carriers or tariff publishing agents have already published the regulations prescribed by our order of April 1, 1940, to be effective June 15, 1940. The changes in these publications required by the corrections in and additions to the regulations herein approved cannot be accomplished on statutory notice before the effective date of the regulations. On the other hand there exists an emergency due to the large present movement of explosives and other dangerous articles which makes it undesirable to postpone the effective date of the regulations. Accordingly all carriers are hereby authorized to publish these regulations and to make necessary changes in tariffs now containing such regulations, effective on one day's notice to the public and to this Commission, the title pages of such publications to bear the notation:

"Issued on one day's notice, under order of the Interstate Commerce Commission in Ex Parte No. MC-13 and No. 3666, dated June 10, 1940."

By the Commission. (Commissioners Miller and Johnson not participating.)

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 40-2383; Filed, June 12, 1940; 11:45 a. m.]



## Notices

## DEPARTMENT OF THE INTERIOR.

## Bituminous Coal Division.

[Docket No. 333-FD]

## APPLICATION OF GENERAL CLAY PRODUCTS COMPANY

## ORDER REQUIRING RENEWAL OF APPLICATION FOR EXEMPTION

The General Clay Products Company having, on January 12, 1938, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced by the Applicant at its mine located in Tuscarawas County, and transported by the Applicant to itself for consumption by it in the manufacture of fire brick at its plant located near Baltic, Ohio; and

The Commission having on May 10, 1939, entered an order pursuant to a hearing held on said application at Zanesville, Ohio on May 24, 1938 in Docket No. 333-FD, granting said application upon condition that the Commission may thereafter require the Applicant to apply annually for renewal of said order; and

The Director having determined that it is necessary to require Applicant to apply for a renewal of said order of May 10, 1939;

It is ordered, That said order of May 10, 1939, and the exemption granted thereby, shall automatically terminate and expire, unless at the end of thirty days from the date of this order the General Clay Products Company shall have filed with the Director a verified application, requesting renewal of said order and the exemption granted thereby, and containing therein the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

a. The full name and business address of the Applicant, and the name and location of the mine or mines covered by the said order of May 10, 1939;

b. The total tonnage of bituminous coal produced by Applicant from such mine or mines for a period of one year preceding the date of the filing of such application for renewal;

c. The total tonnage of such production which was consumed by Applicant, and the nature and purpose of such consumption;

d. Whether any change has occurred since January 12, 1938, in the ownership of the mine or mines from which the coal in question was produced, or in the ownership of the plant, factory, or other facility consuming such coal, and if such change has occurred, the nature thereof;

e. Whether any change has occurred in the agency or instrumentality through which the coal was being produced at the time the application for exemption was filed and, if such change has occurred, the nature thereof;

f. A statement that all the facts contained in the application for exemption filed on January 12, 1938, remain true and correct.

Dated June 10, 1940.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 40-2374; Filed, June 12, 1940; 11:19 a. m.]

## General Land Office.

## REVOKING AND REDUCING CERTAIN STOCK DRIVEWAY WITHDRAWALS IN IDAHO

JUNE 4, 1940.

Departmental orders of February 4, and July 3, 1919, November 18, 1920, July 5, and September 26, 1922, and March 11, 1926, establishing and modifying stock driveway withdrawals under section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, are hereby revoked, in so far as they affect the following-described lands, which are within Idaho Grazing District No. 3, established November 3, 1936:

## Boise Meridian

T. 6 N., R. 24 E.,  
lots 5 and 6, 13 to 21, inclusive, N $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 4, lots 1, 8 and 9 sec. 5, E $\frac{1}{2}$  sec. 9, lots 19, 20 and 21, S $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 10, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 13, lots 6 to 15, inclusive, lots 18 and 19 sec. 14, N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 15;

T. 7 N., R. 24 E.,  
lots 2, 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 18, lots 3 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 19, S $\frac{1}{2}$ NE $\frac{1}{4}$  sec. 21, S $\frac{1}{2}$ N $\frac{1}{2}$  sec. 22, S $\frac{1}{2}$ N $\frac{1}{2}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 23, NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$  sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 25, SW $\frac{1}{4}$  sec. 29, lots 1, 2, 3 and 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 30, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$  sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 33;

T. 5 N., R. 25 E.,  
lots 3 and 4, W $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 3, lots 1 and 2, W $\frac{1}{2}$ NE $\frac{1}{4}$  sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$  sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 12, E $\frac{1}{2}$ W $\frac{1}{2}$  sec. 13;

T. 6 N., R. 25 E.,  
SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 17, S $\frac{1}{2}$  sec. 18, lot 1 sec. 19, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 28, E $\frac{1}{2}$  sec. 29, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 33, SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$  sec. 34;

T. 7 N., R. 25 E.,  
NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 29, N $\frac{1}{2}$ N $\frac{1}{2}$  sec. 30;

T. 5 N., R. 26 E.,  
SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 7;

T. 10 N., R. 26 E.,  
N $\frac{1}{2}$ N $\frac{1}{2}$  sec. 1;

T. 4 N., R. 27 E.,  
W $\frac{1}{2}$  sec. 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 7, NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 8, W $\frac{1}{2}$ W $\frac{1}{2}$  sec. 17, E $\frac{1}{2}$ E $\frac{1}{2}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 18, E $\frac{1}{2}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 19, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$  sec. 30;

T. 5 N., R. 27 E.,  
NW $\frac{1}{4}$  sec. 26, NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 27, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 28, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$  sec. 32, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$  sec. 33;

T. 6 N., R. 27 E.,  
SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 24, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$  sec. 25;

T. 8 N., R. 27 E.,  
S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 1, lots 1 and 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 2, E $\frac{1}{2}$  sec. 12, NE $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 13;

T. 9 N., R. 27 E.,  
SW $\frac{1}{4}$  sec. 2, lots 2 and 3, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 3, E $\frac{1}{2}$  NE $\frac{1}{4}$  sec. 10, W $\frac{1}{2}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 11, W $\frac{1}{2}$  E $\frac{1}{2}$ , W $\frac{1}{2}$  of secs. 14, 23, and 26, NW $\frac{1}{4}$  NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 35;

T. 10 N., R. 27 E.,  
SW $\frac{1}{4}$ NE $\frac{1}{4}$ , lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 5, lots 1, 2, 3, and 4, sec. 6, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$  sec. 8, E $\frac{1}{2}$ , E $\frac{1}{2}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$  sec. 20, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 21, SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 22, W $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$  sec. 34;

T. 6 N., R. 28 E.,  
lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 5, W $\frac{1}{2}$ W $\frac{1}{2}$  sec. 8, W $\frac{1}{2}$  NW $\frac{1}{4}$  sec. 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 18, lots 1, 2, 3, and 4, E $\frac{1}{2}$ NW $\frac{1}{4}$  sec. 19;

T. 7 N., R. 28 E.,  
SW $\frac{1}{4}$  sec. 3, lots 2, 3, and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 4, E $\frac{1}{2}$ E $\frac{1}{2}$  sec. 9, W $\frac{1}{2}$  sec. 10, W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$  sec. 15, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 22, SW $\frac{1}{4}$  SW $\frac{1}{4}$  sec. 23, S $\frac{1}{2}$  sec. 25, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 26, N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 27, E $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 28, SE $\frac{1}{4}$  NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 32, N $\frac{1}{2}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$  sec. 33;

T. 8 N., R. 28 E.,  
lots 3 and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 7, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 17, N $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 18, NE $\frac{1}{4}$ , N $\frac{1}{2}$  NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 20, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 21, W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$  of secs. 28 and 33;

T. 6 N., R. 29 E.,  
NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 4, lots 2, 3, and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$  SE $\frac{1}{4}$  sec. 5, NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$  sec. 9, S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 10, SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 12, N $\frac{1}{2}$  sec. 13, N $\frac{1}{2}$ NE $\frac{1}{4}$  sec. 14;

T. 7 N., R. 29 E.,  
lot 4 sec. 30, lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 31, NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 32;

T. 6 N., R. 30 E.,  
W $\frac{1}{2}$ W $\frac{1}{2}$  sec. 2, E $\frac{1}{2}$ E $\frac{1}{2}$  sec. 3, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 8, S $\frac{1}{2}$  sec. 9, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$  sec. 10, W $\frac{1}{2}$ W $\frac{1}{2}$  sec. 11, W $\frac{1}{2}$  sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 15, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$  SW $\frac{1}{4}$  sec. 17, lots 2 and 3, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$  SE $\frac{1}{4}$  sec. 18, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 20, N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 21, SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 22, W $\frac{1}{2}$  of secs. 23 and 26, S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 27;

T. 7 N., R. 30 E.,  
E $\frac{1}{2}$  of secs. 3, 10, 15, 22, 27, and 34, SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 35;

T. 8 N., R. 30 E.,  
N $\frac{1}{2}$ N $\frac{1}{2}$  sec. 25, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 27, E $\frac{1}{2}$  sec. 34;

T. 9 N., R. 30 E.,  
S $\frac{1}{2}$ S $\frac{1}{2}$  sec. 9, S $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 10, S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 13, N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 14, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$  sec. 15;

T. 8 N., R. 31 E.,  
lot 1, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$  sec. 1, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$  sec. 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 3, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 11, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$  sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 15, S $\frac{1}{2}$ S $\frac{1}{2}$  sec. 21, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$  sec. 28, N $\frac{1}{2}$ N $\frac{1}{2}$  of secs. 29 and 30;

T. 9 N., R. 31 E.,  
W $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 34;



T. 8 N., R. 32 E.,  
lots 1 to 7, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 3;  
T. 9 N., R. 32 E.,  
SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , lots 1, 2,  
3, and 4 sec. 34, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , lots 1, 2,  
3, and 4 sec. 35;  
T. 12 N., R. 32 E.,  
lots 3 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$   
SE $\frac{1}{4}$  sec. 2, lots 1, 2, 3, and 4 sec. 3, W $\frac{1}{2}$   
E $\frac{1}{2}$  sec. 11, N $\frac{1}{2}$ N $\frac{1}{2}$  sec. 25;  
T. 9 N., R. 33 E.,  
NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 3, W $\frac{1}{2}$  sec. 10;  
T. 10 N., R. 33 E.,  
W $\frac{1}{2}$ W $\frac{1}{2}$  sec. 5, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$   
SE $\frac{1}{4}$  sec. 7, NW $\frac{1}{4}$ NW $\frac{1}{4}$  sec. 8, all secs. 13  
and 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 15, all secs. 22 and 27,  
W $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$  sec. 34;  
T. 11 N., R. 33 E.,  
lots 2 and 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$   
SE $\frac{1}{4}$  sec. 6, lots 1, 2, and 3, E $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$   
SE $\frac{1}{4}$  sec. 7, W $\frac{1}{2}$ W $\frac{1}{2}$  sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$   
sec. 18, W $\frac{1}{2}$ W $\frac{1}{2}$  of secs. 20, 29, and 32;  
T. 12 N., R. 33 E.,  
E $\frac{1}{2}$  of secs. 1 and 12, E $\frac{1}{2}$ NE $\frac{1}{4}$  sec. 13, lots  
1 and 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$   
sec. 30, W $\frac{1}{2}$ E $\frac{1}{2}$  sec. 31;  
T. 10 N., R. 34 E.,  
lot 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$  E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$   
sec. 7, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 8, N $\frac{1}{2}$ ,  
N $\frac{1}{2}$ S $\frac{1}{2}$  sec. 9, N $\frac{1}{2}$  of secs. 10 and 11, S $\frac{1}{2}$   
N $\frac{1}{2}$  sec. 12, lots 1, 2, and 3, N $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 18;  
T. 12 N., R. 34 E.,  
S $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 8, S $\frac{1}{2}$ S $\frac{1}{2}$  sec. 9, S $\frac{1}{2}$ SW $\frac{1}{4}$  sec.  
10, SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 13, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$   
NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 14, NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$  sec. 15,  
N $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$   
sec. 17, lots 1, 2, and 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$   
SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$  sec.  
23, NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$  sec. 24;  
T. 12 N., R. 35 E.,  
NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$  sec. 19, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$  sec. 25, S $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ , S $\frac{1}{2}$  sec. 26, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$  of secs.  
27 and 28, N $\frac{1}{2}$ N $\frac{1}{2}$  sec. 29, N $\frac{1}{2}$ NE $\frac{1}{4}$  sec.  
30;  
T. 5 N., R. 36 E.,  
lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$  sec. 4, lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 5, S $\frac{1}{2}$   
sec. 6;  
T. 6 N., R. 36 E.,  
SE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 12, NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 13, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$   
SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$  sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 32, NW $\frac{1}{4}$   
NE $\frac{1}{4}$ , W $\frac{1}{2}$  sec. 33;  
T. 12 N., R. 36 E.,  
E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$  sec. 21, all sec. 22, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$  sec. 23, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$  sec. 27, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
S $\frac{1}{2}$  sec. 28, S $\frac{1}{2}$  sec. 29, S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$   
sec. 30, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$   
sec. 31, N $\frac{1}{2}$  sec. 32, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$   
sec. 33;  
T. 6 N., R. 37 E.,  
lots 1, 2, and 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 4, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$   
sec. 5, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$  sec. 7, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$   
sec. 9, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$  sec. 18;  
T. 7 N., R. 37 E.,  
S $\frac{1}{2}$  sec. 23, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$  sec. 24, NW $\frac{1}{4}$   
sec. 26, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$  sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 33, NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$   
sec. 34;  
T. 9 N., R. 37 E.,  
W $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 21, S $\frac{1}{2}$  sec. 25, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$  sec. 26, W $\frac{1}{2}$ W $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 28, S $\frac{1}{2}$ S $\frac{1}{2}$  of secs. 29 and  
30, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$  sec. 33, N $\frac{1}{2}$  sec. 34,  
W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$  sec. 35;

T. 6 N., R. 38 E.,  
all sec. 28, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$   
sec. 33;  
T. 7 N., R. 38 E.,  
W $\frac{1}{2}$ W $\frac{1}{2}$  sec. 3, all sec. 4, E $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$   
sec. 5, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 7, all sec.  
8, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 9, all sec. 17, E $\frac{1}{2}$  sec. 18,  
NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$  sec. 19, all of secs.  
20, 30, and 31;  
T. 8 N., R. 38 E.,  
NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$  sec. 33, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
W $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 34;  
T. 9 N., R. 38 E.,  
all sec. 2, E $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$  sec. 3, S $\frac{1}{2}$  sec. 4,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 5, all sec. 8, N $\frac{1}{2}$   
sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$  sec. 10, all of secs.  
17 and 20, W $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 21, W $\frac{1}{2}$ NW $\frac{1}{4}$   
sec. 28, all sec. 29, E $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$  sec. 30,  
N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 32;  
T. 10 N., R. 38 E.,  
S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$  sec. 13, all of secs. 24 and 25,  
E $\frac{1}{2}$  sec. 26, all sec. 35;  
T. 10 N., R. 39 E.,  
all of secs. 1 and 2, NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$   
sec. 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 8, all of  
secs. 9 and 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 12, NE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$  sec. 17, lots 2, 3, and 4,  
S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 18;  
T. 11 N., R. 39 E.,  
N $\frac{1}{2}$  sec. 4, NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 5, SE $\frac{1}{4}$   
SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 12, N $\frac{1}{2}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$   
sec. 13, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec.  
14, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 15, E $\frac{1}{2}$  sec.  
22, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 23, W $\frac{1}{2}$   
sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$  sec. 27, SW $\frac{1}{4}$ , SW $\frac{1}{4}$   
SE $\frac{1}{4}$  sec. 35;  
T. 12 N., R. 39 E.,  
all sec. 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 26, SE $\frac{1}{4}$  sec. 33, all  
sec. 34, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$   
sec. 35;  
T. 8 N., R. 40 E.,  
all sec. 4, E $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 5, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec.  
8, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$   
sec. 9, all sec. 17, E $\frac{1}{2}$ E $\frac{1}{2}$  sec. 19, all sec.  
20, NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$   
sec. 30;  
T. 9 N., R. 40 E.,  
N $\frac{1}{2}$ , SE $\frac{1}{4}$  sec. 4, E $\frac{1}{2}$  sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$   
sec. 10, W $\frac{1}{2}$ W $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , sec. 15,  
E $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 21, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$   
NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 22, E $\frac{1}{2}$  sec. 28,  
E $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 33;  
T. 10 N., R. 40 E.,  
lots 6 and 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 6, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$  sec. 7, all sec. 18,  
NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 19,  
SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$  sec. 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 21, SW $\frac{1}{4}$   
NE $\frac{1}{4}$ , W $\frac{1}{2}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 28, NE $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 29, E $\frac{1}{2}$ E $\frac{1}{2}$  sec. 32, all sec.  
33;  
T. 11 N., R. 40 E.,  
all sec. 2, lot 4, S $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 7, S $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$  sec. 8, S $\frac{1}{2}$  sec. 9, S $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$  sec. 10, W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$   
sec. 11, N $\frac{1}{2}$  sec. 17, lots 1 and 2, NE $\frac{1}{4}$   
sec. 18;  
T. 12 N., R. 40 E.,  
W $\frac{1}{2}$  of secs. 5, 8, and 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$  sec. 19, N $\frac{1}{2}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$   
sec. 20, N $\frac{1}{2}$  of secs. 21 and 22, S $\frac{1}{2}$  sec. 26,  
lots 1, 2, and 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 30, all  
sec. 35;  
T. 13 N., R. 40 E.,  
S $\frac{1}{2}$ N $\frac{1}{2}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 29, W $\frac{1}{2}$  sec.  
32;  
T. 13 N., R. 41 E.,  
S $\frac{1}{2}$  of secs. 31, 32, and 33;  
aggregating 106,308 acres.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

[F. R. Doc. 40-2364; Filed, June 12, 1940;  
9:14 a. m.]

# CIVIL AERONAUTICS AUTHORITY. Air Safety Board.

[Docket No. 14]

IN THE MATTER OF INVESTIGATION OF ACCI-  
DENT INVOLVING AIRCRAFT NC 79, WHICH  
OCCURRED IN LONG ISLAND SOUND, NEAR  
PORT WASHINGTON, NEW YORK, ON APRIL  
27, 1940

## REVOCATION OF ORDER OF HEARING

An accident involving aircraft of  
United States Registry NC 79 having oc-  
curred in Long Island Sound, near Port  
Washington, New York, on Saturday,  
April 27, 1940, the Air Safety Board,  
pursuant to provisions of sections 702 (a)  
(2) and 702 (c) of the Civil Aeronautics  
Act of 1938, ordered, under date of April  
30, 1940, that a public hearing be held in  
connection with the investigation of said  
accident.<sup>1</sup> Such matter having been  
further considered by the Air Safety  
Board the above cited order is hereby  
revoked.

Dated, Washington, D. C., June 8, 1940.  
By the Board.

[SEAL]

R. D. HOYT,  
Executive Officer.

[F. R. Doc. 40-2361; Filed, June 11, 1940;  
1:41 p. m.]

# FEDERAL COMMUNICATIONS COM- MISSION.

[Order No. 74]

## STANDARD BROADCAST STATIONS

At a meeting of the Federal Commu-  
nications Commission held in its offices at  
Washington, D. C., on the 7th day of  
June 1940;

Pursuant to authority contained in  
Section 303 of the Communications Act  
of 1934, as amended,

It is ordered, That pending further  
Order of the Commission or amendment  
of the Rules and Regulations:<sup>2</sup>

(a) The provisions of §§ 3.6, 3.8, 3.9  
3.23, 3.79 and 3.84 shall not prohibit the  
operation between four o'clock A. M.,  
local standard time, and local sunrise,  
of standard broadcast stations licensed  
to operate during day time hours or  
limited time hours;

(b) Nothing contained in outstanding  
instruments of authorization for such  
stations shall prohibit such operation;

(c) The period 4:00 A. M. to 6:00  
A. M., local standard time, shall not be  
included in determining compliance with  
§ 3.71 (as amended June 4, 1940) of the  
Commission's Rules and Regulations.

This Order shall become effective im-  
mediately.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 40-2366; Filed, June 12, 1940;  
10:31 a. m.]

<sup>1</sup> 5 F.R. 1624.

<sup>2</sup> 4 F.R. 2714.



[Docket No. 5269]

## IN RE APPLICATION OF COLUMBIA BROADCASTING SYSTEM, INC. (WBT)

*Dated April 5, 1937, for construction permit; class of service, broadcast; class of station, broadcast; location, Charlotte, N. C.; operating assignment specified: Frequency, 1080 kc.; power, 50 kw. night, 50 kw. day; hours of operation, unlimited (DA for night use)*

[File No. B3-P-1735]

## NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. Because of the pendency of the application of Station KFAB, Lincoln, Nebraska (File No. B4-P-1736).

2. To determine whether the granting of the application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by Section 307 (b) of the Communications Act of 1934, as amended.

3. To determine the present area and population which receive interference-free primary service from said station.

4. To determine the area and population which may be expected to receive interference-free primary service should the applicant's station operate as proposed.

5. To determine the population and the broadcast service available in the area which would be deprived of primary service at night from Station WBT, operating as proposed.

6. To determine the population and the broadcast service available in the area which would gain primary service from Station WBT, operating as proposed.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Columbia Broadcasting System, Inc.,  
Radio Station WBT,  
485 Madison Avenue,  
New York, N. Y.

No. 115—2

Dated at Washington, D. C. June 10, 1940.

By the Commission,

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 40-2367; Filed, June 12, 1940;  
10:31 a. m.]

[Docket No. 5270]

## IN RE APPLICATION OF KFAB BROADCASTING CO. (KFAB)

*Dated March 23, 1937, for construction permit; class of service, broadcast; class of station, broadcast; location, Lincoln, Nebraska; operating assignment specified: Frequency, 1080 kc., DA for night use; power, 50 kw.; hours of operation, unlimited*

[File No. B4-P-1736]

## NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. Because of the pendency of the application of Station WBBM, Chicago, Illinois (File No. B4-ML-450).

2. To determine whether the granting of the application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by Section 307 (b) of the Communications Act of 1934, as amended.

3. To determine the nature, extent and effect of any interference which may result should the applicant's station operate as proposed simultaneously with Station WMBI, Chicago, Illinois, as proposed in its application (File No. B4-ML-926); and Station WCBD, Chicago, Illinois (File No. B4-ML-917); and Station WBT, Charlotte, North Carolina, (File No. B3-P-1735).

4. To determine the present area and population which receive interference-free primary service from said station.

5. To determine the area and population which may be expected to receive interference-free primary service should the applicant's station operate as proposed.

6. To determine the population and the broadcast service available in the area which would be deprived of primary service at night from Station KFAB, operating as proposed.

7. To determine the population and the broadcast service available in the area which would gain primary service from Station KFAB, operating as proposed.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a

record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

KFAB Broadcasting Co.,  
Radio Station KFAB,  
Lincoln Hotel, 9th & P Sts.,  
Lincoln, Nebraska.

Dated at Washington, D. C., June 10, 1940.

By the Commission,

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 40-2368; Filed, June 12, 1940;  
10:32 a. m.]

[Docket No. 5801]

## IN RE APPLICATION OF FLORIDA CAPITOL BROADCASTERS, INC. (WTAL)

*Dated November 1, 1939, for renewal of license; class of service, broadcast; class of station, broadcast; location, Tallahassee, Fla.; operating assignment specified: Frequency, 1310 kc.; power, 100 w. night, 250 w. day; hours of operation unlimited*

[File No. B3-R-869]

## AMENDED NOTICE OF HEARING

Upon further examination of the above described application the Commission has amended the issues on which the hearing will be based, as follows:

1. To determine the technical, legal, financial and other qualifications of the licensee to operate the station.

2. To determine whether the statement, executed November 6, 1935, in behalf of the licensee corporation, and filed with the Commission on or about November 8, 1935, under the requirements of Broadcast Division Order No. 2, truly and accurately reflected the amount of stock paid in, the number of shares issued, the sums due on subscriptions, and the number of shares held by Gilbert Freeman and Vera Freeman.

3. To determine whether the statements contained in the application for construction permit, File No. B3-P-1875, dated August 30, 1937, filed in behalf of applicant herein, and attachments thereto, truly and accurately reflected the facts as they existed with respect to: The amount of common stock or subscriptions



therefor paid and unpaid; the amount of stock issued or outstanding; and the relation of the licensee corporation to, or ownership in, the station or control thereof, both as to physical operation and programs broadcast.

4. To determine whether all applications, and the exhibits associated therewith, upon which any license or authority has been granted the applicant herein for or in connection with the operation of Station WTAL, contained information which was true and accurate, particularly with respect to the relation of the licensee corporation to, or ownership in the station, or the control thereof, both as to physical operation and programs broadcast; and with reference to the number of shares of stock held by the principal stockholders; and the amount of capital stock paid in.

5. To determine whether the applicant has at all times submitted to the Commission written statements of fact with respect to all transfers of stock in the licensee corporation, in accordance with the requirements of Rule 340.01 and § 43.1 of the Commission's Rules.

6. Because of applicant's failure to submit, prior to April 25, 1938, a written statement of facts in response to and in accordance with the requirements of Commission Order No. 38, dated March 23, 1938; and its failure to respond promptly to the various requests therefor, particularly those under dates of June 1 and June 20, 1938.

7. Because of applicant's failure to submit, on or before January 25, 1939, a written statement of facts in response to the questionnaire attached to the mimeograph releases, No. 31407, dated January 5, 1939, and No. 31482, for release January 9, 1939, with respect to the subjects involved in Commission Order No. 37, Docket No. 5060; and its failure to respond to, or comply with, letters addressed to the applicant in connection therewith, particularly under dates of March 8, April 8, or July 21, 1939.

8. Because of applicant's failure to submit, on or before May 18, 1938, a written statement of facts with respect to program service and personnel, on F.C.C. Forms No. 26785-2 and 26785-1, respectively, in response to and in accordance with the request therefor, as set forth in the Commission's release, dated April 22, 1938, and identified by mimeograph No. 26785; and its failure to respond within a reasonable time to the further requests therefor, particularly those set forth in Commission letters dated June 6 and July 19, 1938.

9. To determine whether the licensee corporation at all times has functioned as a corporate entity; and whether the actual operating control thereof has been transferred to, or exercised exclusively by Gilbert Freeman, or any other party, without the knowledge or consent of the Commission; and whether the stockhold-

ers, officers and directors of such corporation have participate in its affairs.

10. To determine whether any license or authorization for the operation of the station or the frequency authorized to be used by the licensee, or rights granted in the station's license, have been transferred, assigned, or in any manner disposed of, either directly or indirectly, to any person or concern, particularly to Richard Kingston, William C. Wyatt, W. A. Snowden, Jr., the firm of William Wyatt and William Snowden, or WTAL Associates or any member thereof, without consent of the Commission thereto in writing, in violation of the terms of such license and the Communications Act of 1934, as amended, particularly section 310 (b) thereof.

11. To determine whether the transmitting apparatus described in the various licenses heretofore issued to the applicant for the operation of Station WTAL, at any time has been used or operated by Richard Kingston, William C. Wyatt, William Snowden, the firm of William Wyatt and William Snowden, or WTAL Associates or any member thereof, or any other party, particularly with respect to the control of physical operation and programs broadcast, in violation of the Communications Act of 1934, as amended, particularly section 301 thereof.

12. To determine whether changes have been made in the antenna system of the station, or its supporting structures, or in the radiating system, or in the antenna location, or whether construction and installation of a new or different antenna system, or supporting structures, or radiating or ground system, were undertaken and completed during the several months' period ended about October 25, 1939, without written application therefor and authority received from the Commission, in violation of the Rules and Regulations promulgated by the Commission, particularly § 23.11 or 3.45 (c) thereof.

13. To determine whether a daily check of the ratio between the transmission line current and the antenna current, separately for daytime power and nighttime power, has at all times been made, with proper entries thereof in the operating log, particularly on or about October 25, 1939, in accordance with the Commission's Rules and Regulations, particularly § 3.46 (a) thereof, and section 13-C of the Standards of Good Engineering Practice.

14. To determine whether the antenna tower of the station at all times has been painted and illuminated in accordance with the specifications attached to the station license, particularly during the several months' period preceding October 25, 1939, in accordance with the Rules and Regulations of the Commission, particularly Rule 131 (d) and § 3.45 (d).

15. To determine whether the operating power of the station at all times has

been maintained within the prescribed limits of the licensed power, particularly on or about October 25, 1939, in accordance with the requirements of the station license and of the Rules and Regulations promulgated by the Commission, particularly §§ 3.52 and 3.57 and Rules 135 and 142.

16. To determine whether the station at all times has been equipped with a suitable indicating instrument of accepted accuracy in good operating condition to measure the antenna current, particularly during the period August 16, 1939 to October 10, 1939, in accordance with the Rules and Regulations of the Commission, particularly § 3.58 thereof; or whether such instrument was changed or replaced without authority of the Commission.

17. To determine whether entries in the station program log have been made at all times describing each program broadcast, together with the name or title thereof and the name of the sponsor, and whether entries have been made in the program log showing that each sponsored program has been announced as sponsored, paid for, or furnished by the sponsor, particularly on (or about) October 25, 1939, in accordance with the Rules and Regulations promulgated by the Commission, particularly § 3.90 and Rule 172.

18. To determine whether the granting of this application and the continued operation of the station will serve public interest, convenience or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Florida Capitol Broadcasters, Inc.,  
Radio Station WTAL,  
Thomasville Highway at New County  
Road,  
Tallahassee, Florida.

Dated at Washington, D. C., June 10, 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 40-2369; Filed, June 12, 1940;  
10:32 a. m.]



[Docket No. 5866]

## IN RE APPLICATION OF WCBD, INCORPORATED (WCBD)

Dated November 22, 1939, for modification of license; class of service, broadcast; class of station, broadcast; location, Chicago, Illinois; operating assignment specified: Frequency, 830 kc.; power, 5 kw. day; hours of operation, daytime

[File No. B4-ML-917]

## NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of the application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.
2. To determine the nature, extent, and effect of any interference which may result should applicant's station operate as proposed simultaneously with Stations WHAS, Louisville, Kentucky, and KFZO, Clayton, Missouri.
3. To determine the present area and population which receive interference-free primary service from said station.
4. To determine the area and population which may be expected to receive interference-free primary service should the applicant's station operate as proposed.
5. To determine the nature, extent and effect of any interference which may result should the applicant's station operate as proposed simultaneously with Station KFZO, Clayton, Missouri, as proposed in its application (B4-P-2882); and Station WHA, Madison Wisconsin (B4-ML-988).

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

WCBD Incorporated,  
Radio Station WCBD,  
2400 West Madison St.  
Chicago, Illinois.

Dated at Washington, D. C., June 10, 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 40-2370; Filed, June 12, 1940;  
10:32 a. m.]

EXTENSION OF EXPIRATION OF INSTRUMENTS OF AUTHORIZATION FOR OPERATION OF STANDARD BROADCAST STATIONS EXPIRING AUGUST 1940

At a meeting of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of June, 1940.

The Commission having under consideration its Orders of January 29 and February 15, 1940, entered for the purpose of facilitating the carrying out of the North American Broadcasting Agreement, and establishing the expiration date of outstanding instruments of authorization for standard broadcast stations as of August 1, 1940, and

The Commission also having under consideration applications for renewal of such instruments of authorization heretofore filed, and

It appearing that the carrying out of the provisions of said Agreement cannot be completed by August 1, 1940,

It is ordered, That all instruments of authorization for the operation of standard broadcast stations expiring August 1, 1940, and for which applications for renewal have been filed with the Commission, pending further consideration of said applications, be and the said instruments of authorization are hereby, extended to expire at 3 a. m., E.S.T., October 1, 1940.

This Order shall become effective immediately.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 40-2384; Filed, June 12, 1940;  
12:01 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-49]

IN THE MATTER OF WEST COAST POWER COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1940.

West Coast Power Company, a subsidiary of Peoples Light and Power Company, a registered holding company, hav-

ing filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and private sale to insurance companies of \$1,000,000 principal amount of First Mortgage Bonds, Series "A", 4¼%, due June 1, 1965;

A public hearing having been held on said declaration after appropriate notice and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein;

It is ordered, That said declaration be, and the same hereby is, permitted to become effective subject to the following conditions:

(1) That the issue and sale of the aforesaid bonds shall be effected substantially in accordance with the terms of and for the purposes represented by said declaration;

(2) That when all expenses, incurred in connection with the issue and sale of the securities and the preparation and prosecution of the declaration concerned with the present transactions shall actually be paid, the declarant shall file a detailed statement of such expenses showing the names of persons or entities to whom such payments were made, the amounts of such payments, the accounts charged and a detailed description of the services rendered for which such payments were made;

(3) That the Commission reserves jurisdiction to determine at a later date whether the fee to be paid to Laurence M. Marks & Company for aiding in the negotiation of the sale of the aforesaid bonds is or is not unreasonable, and pending further order of the Commission no fee shall be paid nor any payment made to Laurence M. Marks & Company.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-2380; Filed, June 12, 1940;  
11:42 a. m.]

[File No. 59-12]

IN THE MATTER OF ELECTRIC BOND AND SHARE COMPANY, AMERICAN POWER & LIGHT COMPANY, PACIFIC POWER & LIGHT COMPANY, ELECTRIC POWER & LIGHT CORPORATION, UTAH POWER & LIGHT COMPANY, NATIONAL POWER & LIGHT COMPANY, AMERICAN & FOREIGN POWER COMPANY INC., EBASCO SERVICES INCORPORATED, RESPONDENTS

ORDER DESIGNATING TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of June, A. D. 1940.

The Securities and Exchange Commission having instituted these proceedings



pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 by order heretofore entered on May 9, 1940, which order provided that a hearing be held at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, NW., Washington, D. C., at 10:00 A. M. on the 10th day of June, 1940, and said date for hearing having heretofore been extended by order of the Commission until June 17, 1940, at the same time and place, and it appearing that an officer of the Commission should be designated to preside at said hearing;

*It is ordered*, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

*It is further ordered*, That on the date fixed for said hearing the hearing room

clerk in room 1102 will advise as to the room in which such hearing will be held.  
By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-2381; Filed, June 12, 1940;  
11:42 a. m.]

[File No. 31-11]

IN THE MATTER OF THE APPLICATION OF  
THE CLIFFS CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF AP-  
PLICATION UNDER PUBLIC UTILITY HOLD-  
ING COMPANY ACT OF 1935

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 11th day of June, 1940

The Cliffs Corporation having filed an application for a renewal of the order of the Commission of April 15, 1938, declaring, pursuant to section 2 (a) (8) (A) of the Public Utility Holding Company

Act of 1935, said Corporation not to be a subsidiary under said Act, of Charles S. Wachner, Receiver of the Ohio Estate of Continental Shares, Inc.; it appearing that since such application was filed, the Court of Common Pleas of Cuyahoga County, Ohio has ordered the liquidation of the assets of Continental Shares, Inc. held by said Ohio receiver, that such liquidation is being carried out and that said Ohio receiver no longer owns, controls, or holds with power to vote as much as 10% of the outstanding voting securities of The Cliffs Corporation; The Cliffs Corporation having now filed a request for withdrawal of said application; the Commission, having due regard to the public interest, the interest of investors and consumers, consents to such withdrawal, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-2382; Filed, June 12, 1940;  
11:42 a. m.]